

7/10/02  
JIN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TYRONE P. JAMES, :  
Plaintiff :  
v. : CIVIL ACTION NO. 1:CV-01-1015  
: Judge Kane  
YORK COUNTY POLICE DEPT., :  
ET AL., :  
Defendants : FILED  
: HARRISBURG  
: JUL 10 2002  
: MARY E. D'ANDREA, CLERK  
: Per \_\_\_\_\_  
: DEPUTY CLERK  
ORDER

Listed as pending in this action are Plaintiff's Motion for Default as to Defendant Richard Peddicord (Doc. No. 41) and Request for Production of Documents (Doc. No. 25). Waiver of Service of Summons for Defendant Peddicord was filed December 27, 2001, and he is among the Defendants who filed a motion to dismiss on December 28, 2001. He is defending the action, thus the Court will deny Plaintiff's motion for default.

Plaintiff's Request for Production was not captioned as a motion. While Plaintiff did file a motion to compel (Doc. No. 48) some weeks later, it was unrelated to the instant Request for Production in that it related to interrogatories directed at different Defendants. That motion to compel was denied by this Court by Order of February 25, 2002. There not appearing anywhere on the record that the Defendant to whom the Request for Production was directed have not properly produced the requested documents, Plaintiff's Request for Production will not be construed as a motion to compel. Should the Plaintiff wish to move for this Court to compel the production of documents, he may submit such a motion. If instead Plaintiff is attempting discovery in this case, he should direct his Request for Production to the Defendants from whom

discovery is sought.

**IT IS HEREBY ORDERED**, this 10<sup>th</sup> day of July, 2002, THAT:

- (1) Plaintiff's Motion for Default (Doc. No. 41) is **DENIED**.
- (2) Plaintiff's Request for Production of Document directed to Defendant York County (Doc. No. 25) is **STRICKEN**.



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Yvette Kane  
United States District Judge